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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,145	09/09/2003	David Alexander	IMMR-IMD0002D (034701-005)	1899
60140	7590	07/10/2008	EXAMINER	
IMMERSION -THELEN REID BROWN RAYSMAN & STEINER LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640			MUSSELMAN, TIMOTHY A	
			ART UNIT	PAPER NUMBER
			3714	
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			07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/657,145	Applicant(s) ALEXANDER ET AL.	
	Examiner TIMOTHY MUSSELMAN	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 34-35, 37-38 is/are allowed.
- 6) ☒ Claim(s) 12, 16, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the communication filed 3/3/2008, claims 12-20, 34-35, and 37-38 are pending in this application. Claims 1-11, 21-33, 36, and 39-44 have been cancelled previously.

Claim Rejections - 35 USC § 103

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 12, 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (US 5,800,179) in view of Jones (US 1,642,151).

Regarding claim 12, Bailey discloses a capture mechanism configured to engage a peripheral device, and a sensing assembly to detect movement of the peripheral device while engaged. See col. 5: 25-35. Bailey fails to disclose any details pertaining to the clamping apparatus. Thus, one of ordinary skill in the art would have been motivated to consider systems directed towards quick and convenient clamping of peripheral objects. One such device is the simple mouse trap disclosed by Jones. Jones discloses a device to clamp a peripheral object, the device comprising a plurality of jaws which close around the peripheral object (mouse) in response to the longitudinal movement of the triggering mechanism

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(actuator) from a first position to a second position, the second position allowing for the closure of the jaws on the object. See page 2, col. 2, lines 49-61. Note that it is the peripheral object (mouse) that forces the triggering of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize this type of clamping mechanism in the system of Bailey in order to improve the device using clamping mechanisms known in the art as taught by Jones, to allow for the quick connection of various surgical tools.

Regarding claim 16, Bailey further discloses wherein the capture mechanism is disposed within the sensing assembly. See col. 5: 30-37.

Regarding claims 17 and 19-20, Jones discloses wherein the plurality of jaws of the trap are automatically actuated by force applied to a lever to close the jaws and engage the peripheral object. See page 1, col. 1, lines 21-29. The use of this clamping system of Jones in the system of Bailey would have been obvious for the reasons set forth with regard to claim 12 above.

Allowable Subject Matter

Claims 13-15 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art teaches of a tubular member for grasping the peripheral device, they do not include an actuator that elongates and compresses the tubular grasping member by use of a spring to expand or constrict (grasp or release) the grasping mechanism to grasp the peripheral device.

Claim 18 is indicated as allowable. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art teaches of engaging a peripheral device configured as a medical instrument within a sensing assembly in a medical trainer, there is no teaching wherein the capture

mechanism comprises a plurality of jaws that are expanded by a conical expander to allow for insertion of the peripheral device, and wherein a spring biases the conical expander to maintain capture mechanism in a closed position, so that when the expander is actuated, the jaws close and grasp the peripheral device.

Claims 34 is indicated as allowable. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art teaches of a clamping mechanism that engages and releases a peripheral device based on a first and second movement of the peripheral device, there is no teaching wherein such a clamping structure comprising a plurality of jaws *releases* said peripheral device based on a *second movement* of the peripheral device, as per claim 36, and there is no teaching wherein said plurality of jaws is *automatically* operated by a lever (claims 37-38).

Claims 35 and 37-38 are indicated as allowable at least because they depend from an allowable base claim.

Response to Arguments

Applicant's arguments dated 3/3/2008 have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Acting Examiner of Art Unit 3714

/ROBERT E PEZZUTO/
Supervisory Primary Examiner
Art Unit 3714